

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



JOHN CHRISTOPHER WEEKS

PLAINTIFFS

VS.

CAUSE NO. 3:13CV4WHB-RHW

HCS MANAGEMENT, INC.

DEFENDANT

COMPLAINT

**JURY TRIAL DEMANDED**

**COMES NOW** Plaintiff by and through his attorneys, and files this Complaint against HCS Management, Inc. (hereinafter "Defendant"), pursuant to the Fair Labor Standards Act for unpaid overtime wages and breach of contract. The actions of Defendant constitutes a violation of the Fair Labor Standards Act and Mississippi law.

PARTIES

1. Plaintiff, John Christopher Weeks, is an adult resident citizen of Madison County, Mississippi, with a mailing address of 600 Camden Park Drive, Ridgeland, Mississippi 39157.

2. Defendant, HCS Management, Inc. ("Defendant") is a private corporation in the State of Mississippi and may be served with process through its registered agent, Thomas L. Kirkland, Jr., 1076 Highland Colony Parkway, Ridgeland, Mississippi 39157.

3. The Defendant falls within the definition of a covered employer as set out in Section 203 of the Fair Labor Standards Act.

### **JURISDICTION**

4. Jurisdiction of this civil action is conferred by Section 16(b) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(b) and venue is proper in this Court.

### **FACTS**

5. Plaintiff began his employment on October 11, 2010, and was given the title of director of human resources.

6. On October 1, 2011, Plaintiff was promoted to the position of vice president of finance.

7. On June 10, 2012, Plaintiff was demoted to the position of vice president of human resources.

8. On June 11, 2012, Plaintiff was terminated by Defendant.

9. Throughout Plaintiff's entire employment with Defendant he was paid on an hourly basis.

10. As an employee of the Defendant the Plaintiff normally had to work over forty (40) hours each week.

11. Plaintiff was never compensated at a rate of one and one-half (1 ½ ) his hourly rate for overtime hours worked in each work week.

12. Prior to beginning his employment Defendant sent Plaintiff a formal job offer on September 3, 2010, which offered compensation at an hourly rate of \$36.06 per hour and overtime wages. Plaintiff accepted this job offer to start his employment with Defendant; however, his contract was breach by Defendant never paying the overtime wages he was owed.

**COUNT I**

**VIOLATION OF THE FAIR LABOR STANDARDS ACT**

13. Plaintiff is a non-exempt employee and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiff is entitled to overtime pay for all hours over forty (40) hours worked in a given week.

14. The Fair Labor Standards Act requires that employees be paid an overtime premium at a rate not less than one and one-half (1 ½) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).

15. Plaintiff has not been paid overtime compensation under the Fair Labor Standards Act at a rate of 1 ½ his regular rate of pay.

16. The acts of the Defendant constitutes a willful intentional violation of the Fair Labor Standards Act.

**COUNT II**

**BREACH OF CONTRACT**

17. Defendant breached the express terms of its contract with Plaintiff by failing to pay all wages owed to Plaintiff.

18. Plaintiff has suffered a loss of wages for this breach of the express terms of the contract.

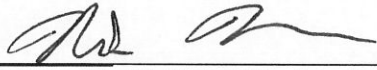
WHEREFORE, PREMISES CONSIDERED, Plaintiff demands a judgment against the Defendant for all monies owed for the hours worked, overtime wages for all hours worked over forty (40), an additional equal amount or liquidated damages, attorney fees, and Court costs; an accounting for all state and federal taxes owed by the Defendant on



behalf of the Plaintiff; and payment of all of monies, including retirement benefits, the Plaintiff has lost because of Defendant's failure to properly pay overtime wages.

THIS, the 31<sup>st</sup> day of December, 2012.

Respectfully submitted,

By:   
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